

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In Re:

DAVID WILLETTE,

Debtor.

Chapter 13
Bk. No. 15-20243

**OBJECTION BY UNITED STATES ON BEHALF OF DEPARTMENT OF TREASURY,
INTERNAL REVENUE SERVICE, TO CONFIRMATION OF
DEBTOR'S PROPOSED CHAPTER 13 PLAN**

NOW COMES the United States of America, on behalf of the Department of Treasury, Internal Revenue Service (the "IRS"), by its attorneys, Thomas E. Delahanty, II, United States Attorney for the District of Maine, and Andrew K. Lizotte, Assistant United States Attorney, and OBJECTS to confirmation of the Debtor's proposed Chapter 13 plan (ECF No. 3, the "Chapter 13 Plan"), filed on April 14, 2015. By notice, the Chapter 13 Plan is scheduled for hearing on August 4, 2015, at 9:00 A.M. at the Bankruptcy Court in Portland, Maine. The IRS states in support of its OBJECTION as follows:

1. Debtor filed a Chapter 13 petition on April 13, 2015. The IRS is a pre-petition creditor and a party in interest.
2. On May 4, 2015, the IRS filed a proof of pre-petition claims in the total amount of \$53,943.01, as follows:
 - a. SECURED – \$43,525.00;¹
 - b. UNSECURED PRIORITY – \$1,342.34; and

¹ The secured liability in the proof of claim is for unpaid federal income taxes for 2007 and 2008. The IRS recorded notice of its federal tax lien with the Maine Secretary of State and Cumberland County.

c. UNSECURED GENERAL – \$9,075.67.

3. The Chapter 13 Plan fails to provide for the IRS's full unsecured priority claim and the IRS does not agree to different treatment of its claim. 11 U.S.C. § 1322(a)(2); *see also* 11 U.S.C. § 507(a)(8). The Chapter 13 Plan instead provides for payment of only \$603.00 of the \$1,342.34 unsecured priority claim.

4. Debtor's Chapter 13 Plan also omits the IRS's secured claim.

5. Accordingly, the United States objects to the Chapter 13 Plan on the following grounds:

- a. The Chapter 13 Plan must include the IRS's full unsecured priority claim of \$1,342.34 as reflected on its proof of claim. Pursuant to 11 U.S.C. § 1322(a)(2), all claims subject to priority under 11 U.S.C. § 507(a)(8) must be paid in the Chapter 13 Plan unless the claiming party agrees to different treatment. The IRS does not agree to different treatment of its claim.
- b. The Chapter 13 Plan must include the IRS's full secured claim plus interest.
- c. The plan may not be feasible. 11 U.S.C. § 1325(a)(4).

WHEREFORE, the United States respectfully requests that this Court deny confirmation of the Chapter 13 Plan and grant such other and further relief it deems just and appropriate.

Dated: July 27, 2015
Portland, Maine

Respectfully Submitted,

Thomas E. Delahanty, II
United States Attorney

/s/ Andrew K. Lizotte
Assistant United States Attorney
U.S. Attorney's Office
100 Middle Street Plaza, East Tower
Portland, ME 04101
(207) 780-3246
Andrew.Lizotte@usdoj.gov

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In Re:

DAVID WILLETTE,

Chapter 13
Bk. No. 15-20243

Debtor.

CERTIFICATE OF SERVICE

I, Andrew K. Lizotte, Assistant United States Attorney for the District of Maine, hereby certify that I have this day made service of a true copy of the (1) **Objection to Debtor's Proposed Chapter 13 Plan on behalf of the United States Department of Treasury, Internal Revenue Service (IRS)** and (2) this **Certificate of Service**, upon the individuals and entities who have entered appearances in this matter pursuant to the Bankruptcy Court's ECF system via electronic mail.

Dated: July 27, 2015
Portland, Maine

/s/ Andrew K. Lizotte
Assistant United States Attorney
U.S. Attorney's Office
100 Middle Street Plaza, East Tower
Portland, ME 04101
(207) 780-3246
ALizotte@usa.doj.gov